

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAY WALLER,

Plaintiff,

v.

MICHAEL BURGESS, et al.,

Defendants.

Case No. 1:22-cv-958

HON. JANE M. BECKERING

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ORDER

This is a civil rights action brought by a state prisoner under 42 U.S.C. § 1983. Defendants Burgess, Parish, and Clouse filed a Motion for Summary Judgment on the Basis of Exhaustion (ECF No. 23). The matter was referred to the Magistrate Judge, who issued a Report and Recommendation (ECF No. 27) on December 18, 2023, recommending that this Court grant the motion, dismiss Plaintiff's federal claims against Defendants Burgess, Parish, and Clouse without prejudice for lack of exhaustion, and dismiss Plaintiff's state-law claims against Defendants Burgess, Parish, and Clouse without prejudice pursuant to 28 U.S.C. § 1367(c)(3). The Report and Recommendation was duly served on the parties. No objections have been filed. *See* 28 U.S.C. § 636(b)(1). Accordingly:

IT IS HEREBY ORDERED that the Report and Recommendation (ECF No. 27) is APPROVED and ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED that the Motion for Summary Judgment on the Basis of Exhaustion (ECF No. 23) is GRANTED.

IT IS FURTHER ORDERED that Plaintiff's federal claims against Defendants Burgess, Parish, and Clouse are DISMISSED WITHOUT PREJUDICE for lack of exhaustion.

IT IS FURTHER ORDERED that Plaintiff's state-law claims against Defendants Burgess, Parish, and Clouse are DISMISSED WITHOUT PREJUDICE pursuant to 28 U.S.C. § 1367(c)(3).

Dated: January 16, 2024

/s/ Jane M. Beckering
JANE M. BECKERING
United States District Judge